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Notice of Allowability

Application No.

09/717,138

Examiner

George Y. Wang

Applicant(s)

YAMAZAKI ET AL.

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment/remarks filed May 25, 2005.
2. ☒ The allowed claim(s) is/are 3,4,7,8,11,12,16,17,20,21,25,26,29,30,34,35,38,39,43,44,47,48,52,53,56,57,61,62,65,66,70,71,74,75,77-100,108-114,116,118,120 and 122.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date ____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

DETAILED ACTION

Election/Restrictions

1. Claim 3, 4, 8, 77-79 and 97-100 are generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 11-12, 16-17, 20-21, 25-26, 29-30, 34-35, 38-39, 43-44, 47-48, 52-53, 56-57, 61-62, 65-66, 70-71, 74-75, 85-87, and 94-96 are no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

2. Claims 3-4, 7-8, 11-12, 16-17, 20-21, 25-26, 29-30, 34-35, 38-39, 43-44, 47-48, 52-53, 56-57, 61-62, 65-66, 70-71, 74-75, 77-100, 108-114, 116, 118, 120, and 122 are allowed.

The following is an examiner's statement of reasons for allowance: As the claims were read and interpreted in light of the specification and remarks filed May 25, 2005, the prior art of record fails to specifically disclose a liquid crystal panel and projector comprising, in particular, gap holding members selectively formed over contact holes in which each of the plurality of pixel electrodes is connected with a wiring connected with a thin film transistor. Although Seiki appears to teach a contact hole in which a wiring is connected with the pixel electrode and is connected with a thin film transistor, Seiki does not disclose a spacer formed over the contact hole. According to Applicant's remarks, Applicant distinguishes the contact hole of the claimed limitation from Seiki's "auxiliary part" by defining that "one of the gap holding members is selectively formed over a contact hole in which the pixel electrode is connected with a wiring connected with the thin film transistor" means that the gap holding member is formed over a contact hole and, in the contact hole, the pixel electrode is connected with a wiring which is connected with the thin film transistor. Therefore, Seiki does not teach that gap holding members as recited in the claimed limitation. Thus, as a result of Applicant's definition and clarification in the Remarks (p. 22-23), allowance is proper.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

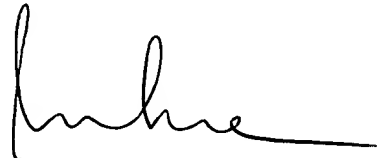
Art Unit: 2871

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Y. Wang whose telephone number is 571-272-2304. The examiner can normally be reached on M-F, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gw
September 3, 2005



HUNG T. NGUYEN
PRIMARY EXAMINER